

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

09 AUG 10 P1:24

UNITED STATES OF AMERICA,

Plaintiff,

JON W. SANFILIPPO
CLERK

v.

Case No. 09-CR-09 CR-188

BROWN PACKING COMPANY, INC.,
JOHN A. OEDZES,
BRIAN G. OEDZES, and
BRYAN S. OEDZES,

Defendants.

INFORMATION

COUNT ONE

THE ACTING UNITED STATES ATTORNEY CHARGES:

1. Beginning by December 1997 and continuing through May 2004, in the State and Eastern District of Wisconsin, and elsewhere,

BROWN PACKING COMPANY, INC.

knowingly conspired with persons and entities known and unknown to defraud customers and competitors by means of mailings and interstate wire communications, in violation of Title 18, United States Code, Sections 1341 and 1343, respectively.

2. The primary purpose of the conspiracy was to sell, transport, and introduce into interstate commerce food, to wit, veal, that had been unlawfully implanted with hormones and steroids, and conceal that fact from customers, competitors, and the United

States.

3. During its participation in the conspiracy, the defendant knew, intended, and could reasonably foresee that one or more of the conspirators would make or cause others to make materially false representations to, and conceal material facts from, customers and competitors in the Eastern District of Wisconsin and elsewhere, with respect to the fact that its veal had been unlawfully implanted with these substances.

Manner And Means of the Conspiracy

4. It was part of the conspiracy that the defendant implanted its veal calves with zeranol (Ralgro®), trenbolone acetate and estradiol benzoate (Synovex® Plus™), and testosterone propionate and estradiol benzoate (Synovex® H).

5. It was further part of the conspiracy that implants containing these substances were delivered to the defendant's labor lease farms in the Eastern District of Wisconsin and elsewhere by interstate commercial carrier.

6. It was further part of the conspiracy that the defendant maintained web sites for its consumer brands "Dutch Valley Veal" and "Tracy Lynn's Veal." Among other things, the defendant falsely stated that:

- a. "no hormones are used in veal raising;"
- b. its veal was raised under the "best scientific principles and practices" of the American Veal Association;
- c. its veal products "meet or exceed all USDA food safety standards;" and
- d. its veal was raised without "artificial chemical treatment" and that "no irradiation or other foreign treatment processes are

used at any time during production.”

7. It was further part of the conspiracy that the defendant opposed efforts to obtain Food and Drug Administration approval for these substances on the grounds that consumers did not want these substances injected or otherwise introduced into veal calves, and that it was “not realistic that we will gain approval.”

8. It was further part of the conspiracy that the defendant, in a letter to other packers/processors, restated its opposition to the American Veal Association’s effort to obtain approval for the use of these substances because the “[t]he implant initiative contradicts all the principles behind image enhancement. . . .”

9. It was further part of the conspiracy that the defendant presented false certifications to the Food Safety and Inspection Service of the United States Department of Agriculture to obtain the release into interstate commerce of veal products containing these substances.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO

THE ACTING UNITED STATES ATTORNEY FURTHER CHARGES:

10. On or about March 22, 2004, in the State and Eastern District of Wisconsin and elsewhere,

**JOHN A. OEDZES and
BRIAN G. OEDZES**

slaughtered and prepared articles for commerce which were capable of use as human food in a manner that was not in compliance with the requirements of the Federal Meat Inspection Act in that they contained a substance that may have been deleterious and injurious to health, and unhealthful, to wit, Synovex® Plus™, containing trenbolone acetate and estradiol benzoate.

All in violation of Title 21, United States Code, Sections 610(a) and 676(a), and Title 18, United States Code, Section 2.

COUNT THREE

THE ACTING UNITED STATES ATTORNEY FURTHER CHARGES:

11. On or about April 22, 2004, in the State and Eastern District of Wisconsin and elsewhere,

BRYAN S. OEDZES

did introduce and deliver for introduction, and cause to be introduced and delivered for introduction into interstate commerce, articles of food intended for human consumption, which, when introduced and delivered into interstate commerce, were adulterated in that, within the meaning of Title 21, United States Code, Section 342(a)(2)(C)(ii), they contained an unsafe new animal drug, to wit, Synovex® Plus™, containing trenbolone acetate and estradiol benzoate.

All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title 18, United States Code, Section 2.

FORFEITURE NOTICE

1. Upon conviction of the offense alleged in count one of the Information, the defendant Brown Packing Company, Inc. shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense set forth in count one, including but not limited to the following:

- a. A sum of money equal to \$2,000,000 in United States currency, representing the amount of proceeds obtained as a result of the offense.



MICHELLE L. JACOBS
Acting United States Attorney

Dated: 8/7/2009